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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
10 **WESTERN DIVISION**
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12 GLOBEFILL INCORPORATED,)
13 Plaintiff and Counter-Defendant,)
14 v.)
15 ELEMENT SPIRITS, INC.,)
16 Defendant and Counter-Claimant)
17 and)
18 KIM BRANDI,)
19 Defendant.)
20

No. CV 10-2034-CBM (PLAx)

**MEMORANDUM AND ORDER RE:
PARTIES' PROPOSED STIPULATED
PROTECTIVE ORDER**

21 The Court has received and considered the parties' proposed Stipulated Protective Order
22 ("Protective Order"). The Court is unable to adopt the Protective Order as stipulated to by the
23 parties for the followings reasons:

24 First, a protective order must be narrowly tailored and cannot be overbroad. Therefore, the
25 documents, information, items or materials that are subject to the protective order shall be
26 described in a meaningful fashion (for example, "blueprints," "customer lists," or "market surveys,"
27 etc.). It is not sufficient to use only conclusory terms such as "certain confidential financial,
28

1 technical, or commercial information,” or “trade secrets, non-public proprietary information.” (See
2 pages 2-3, at introduction, at ¶ 2).

3 Second, the parties should not include any language in the Protective Order that obligates
4 the Court or its personnel to act in a certain manner or limit its actions in relation to the confidential
5 documents. (See, e.g., pages 4-5, at ¶ 9).

6 Third, in the event of a dispute regarding the designation or disclosure of confidential
7 information, the procedure for obtaining a decision from the Court is that set forth in Local Rule
8 37. (See page 7, at ¶ 14). If the parties want to file the Joint Stipulation required by Local Rule
9 37 under seal, the parties may file a stipulation to that effect or the moving party may file an ex
10 parte application making the appropriate request. The parties must set forth good cause in the
11 stipulation or ex parte application as to why the Joint Stipulation or portions thereof should be filed
12 under seal.

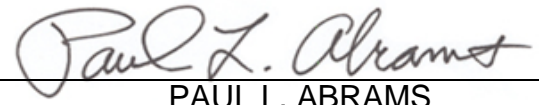
13 Fourth, if confidential material is included in any papers to be filed in Court, such papers
14 shall be accompanied by an application to file the papers -- or the confidential portion thereof --
15 under seal; **the application must show good cause for the under seal filing.** (See page 7, at
16 ¶ 13). The application shall be directed to the judge to whom the papers are directed. Pending
17 the ruling on the application, the papers or portions thereof subject to the sealing application shall
18 be lodged under seal.

19 Fifth, once a case proceeds to trial, all of the information that was designated as
20 confidential and/or kept and maintained pursuant to the terms of a protective order becomes public
21 and will be presumptively available to all members of the public, including the press, unless good
22 cause is shown to the district judge in advance of the trial to proceed otherwise. The Court will
23 not enter a protective order that extends beyond the commencement of trial.

24 Finally, the Court may only enter a protective order upon a showing of good cause. Phillips
25 v. G.M. Corp., 307 F.3d 1206, 1209 (9th Cir. 2002) (Rule 26(c) requires a showing of “good cause”
26 for a protective order); Makar-Wellbon v. Sony Electronics, Inc., 187 F.R.D. 576, 577 (E.D.Wis.
27 1999) (even stipulated protective orders require good cause showing). The parties’ stipulation fails
28 to include any statements to demonstrate good cause for issuing the protective order. In any

1 revised stipulated protective order submitted to the Court, the parties must include a statement
2 demonstrating good cause for entry of a protective order pertaining to the documents or
3 information described in the order. The paragraph containing the statement of good cause should
4 be preceded by a heading stating: "GOOD CAUSE STATEMENT."

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6 DATED: March 22, 2013

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8 PAUL L. ABRAMS
9 UNITED STATES MAGISTRATE JUDGE
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